

CERTIFIED FOR PARTIAL PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDRA FELTON,

Defendant and Appellant.

E033333

(Super.Ct.Nos. FSB026722,
FSB028320)

**ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING**
[NO CHANGE IN JUDGMENT]

The petition for rehearing is denied. The opinion filed in this matter on September 13, 2004 is modified as follows:

1. Footnote 1, on page 16, is deleted.
2. On page 18, before the first full paragraph (beginning, “We conclude that”), the following paragraph is inserted:

In a single sentence, defendant asserts: “The admission of accomplice testimony without cautionary instruction[s] allowed the prosecution to convict [defendant] using unreliable evidence, [in] violation of the [d]ue [p]rocess [c]lause.” Defendant waived this argument by failing to support it with citation to authority and reasoned argument. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) In any event, the corroboration requirement itself is a matter of state law, not due process. (*In re Mitchell P.* (1978) 22 Cal.3d 946, 949; *In re Eugene M.* (1976) 55 Cal.App.3d 650, 657; *In re R.C.* (1974) 39 Cal.App.3d 887, 893.) A

fortiori, when there is sufficient corroboration, the failure to give accomplice instructions does not violate due process. (*People v. Frye* (1998) 18 Cal.4th 894, 966; *People v. Arias* (1996) 13 Cal.4th 92, 143.)

Except for these modifications, the opinion remains unchanged. These modifications do not effect a change in the judgment.

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HOLLENHORST
Acting P.J.

I concur:

GAUT
J.